

ESTTA Tracking number: **ESTTA408469**

Filing date: **05/11/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Zanella Ltd.		
Entity	Corporation	Citizenship	Delaware
Address	711 Fifth Avenue, 12th Floor New York, NY 10022 UNITED STATES		
Attorney information	Stuart E. Benson Manelli Denison & Selter PLLC 2000 M Street, NW, Suite 700 Washington, DC 20036 UNITED STATES sbenson@mdslaw.com Phone:202-261-1030		

Applicant Information

Application No	85060075	Publication date	04/19/2011
Opposition Filing Date	05/11/2011	Opposition Period Ends	05/19/2011
Applicant	McCabe Dunwoody, Anne 613 College Ave Haverford, PA 19140 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2010/04/23 First Use In Commerce: 2010/04/23
All goods and services in the class are opposed, namely: Blouses; Dresses; Jackets; Pants;
Rainwear; Skirts; T-shirts; Tunics

Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	1519894	Application Date	05/21/1987
Registration Date	01/10/1989	Foreign Priority Date	NONE
Word Mark	ZANELLA		
Design Mark			
Description of Mark	NONE		


Goods/Services	Class 025. First use: First Use: 1961/02/00 First Use In Commerce: 1975/05/00 MEN'S WEARING APPAREL, NAMELY [RAINCOATS,] [MANTLES,] JACKETS, SHIRTS, [BLOUSES, WAISTCOATS,] TROUSERS, PANTS, [SOCKS, STOCKINGS, TIES, SCARVES, HATS, SWIMWEAR,] [VESTS] [AND UNDERWEAR]		
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U.S. Registration No.	1990695	Application Date	07/13/1994
Registration Date	08/06/1996	Foreign Priority Date	NONE
Word Mark	ZANELLA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1978/01/31 First Use In Commerce: 1978/01/31 women's clothing, namely shorts, skirts, dresses, blouses, pants, jackets, coats, vests, scarves, hats, swimwear, raincoats, socks and underwear		

U.S. Registration No.	1992385	Application Date	07/13/1994
Registration Date	08/13/1996	Foreign Priority Date	NONE
Word Mark	ZANELLA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1978/01/31 First Use In Commerce: 1978/01/31 women's clothing, namely shorts, skirts, dresses, blouses, pants, jackets, coats, vests, [scarves, hats, swimwear,] raincoats, [socks, and underwear]		

U.S. Registration No.	2453062	Application Date	04/11/2000
Registration Date	05/22/2001	Foreign Priority Date	NONE
Word Mark	ZANELLA		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1993/01/00 First Use In Commerce: 1993/01/00 Women's and men's clothing, namely, shorts, skirts, blouses, pants, jackets, coats, [vests,] scarves, hats, swimwear, [raincoats,] socks, underwear, mantles, shirts, waistcoats, trousers, stockings and ties

U.S. Registration No.	3656853	Application Date	07/21/2008
Registration Date	07/21/2009	Foreign Priority Date	NONE
Word Mark	ZANELLA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1961/02/00 First Use In Commerce: 1975/05/00 Pants, trousers, shorts, skirts, dresses, blouses, shirts, jackets, coats, sweaters, knit shirts, polo shirts, suits		

U.S. Registration No.	3656865	Application Date	07/23/2008
Registration Date	07/21/2009	Foreign Priority Date	NONE
Word Mark	ZANELLA		
Design Mark			

Description of Mark	The mark consists of twenty-five small squares spaced to form a diamond with the word "ZANELLA" below.
Goods/Services	Class 025. First use: First Use: 1993/01/00 First Use In Commerce: 1993/01/00 Pants, trousers, shorts, skirts, dresses, blouses, shirts, jackets, coats, sweaters, knit shirts, polo shirts, suits

Attachments	74548675#TMSN.gif (1 page)(bytes) 76021021#TMSN.gif (1 page)(bytes) 77526946#TMSN.jpeg (1 page)(bytes) 77528962#TMSN.jpeg (1 page)(bytes) Not Opp to Annella Designs.pdf (3 pages)(95232 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/StuartEBenson/
Name	Stuart E. Benson
Date	05/11/2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No. 85/060,075

For the mark ANNELLA DESIGNS

Published in the *Official Gazette* on April 19, 2011

ZANELLA LTD.,

Opposer

v.

ANNE MCCABE DUNWOODY,

Applicant

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Opposition No. _____

NOTICE OF OPPOSITION

Opposer, Zanella Ltd., a Delaware Corporation with a business address of 711 Fifth Avenue, 12th Floor, New York, New York 10022, hereby opposes registration of the mark ANNELLA DESIGNS, which is the subject of application Serial No. 85/060,075, published in the *Official Gazette* of April 19, 2011, and requests that registration to Applicant be refused.

The above-identified Opposer believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

The reasons for which Opposer believes it will be damaged by the registration, and the grounds for opposition, are as follows:

1. Opposer, for many years and since long prior to any date of first use upon which Applicant has relied or can rely, has adopted and

continuously used the term "ZANELLA" as a trademark for men's and women's wearing apparel, including men's jackets, shirts, trousers, pants, vests and raincoats, and women's shorts, skirts, dresses, blouses, pants, jackets, coats, vests, and raincoats.

Opposer has developed substantial good will in this mark.

2. Opposer is the owner of the following federal registrations for the mark ZANELLA, each of which is valid, subsisting, unrevoked, and uncanceled: Registration Nos. 1,519,894 (ZANELLA word mark for certain men's wearing apparel); 1,990,695 (ZANELLA word mark for certain women's clothing); 1,992,385 (ZANELLA and design for certain women's clothing); 2,453,062 (ZANELLA and design for certain women's and men's clothing); 3,656,853 (ZANELLA word mark for certain clothing); and 3,656,865 (ZANELLA and design for certain clothing).
3. Section 8 and Section 15 affidavits have been accepted and acknowledged for certain of the above-described registrations, namely, Registration Nos. 1,519,894; 1,990,695; 1,992,385; and 2,453,062. Hence, the Opposer's right to use these registered marks in commerce is incontestable pursuant to Section 15 of the Trademark Act.
4. To Opposer's knowledge, Opposer's above-identified registrations are the only active federal registrations of the mark ZANELLA in International Class 25.

5. Applicant has filed an application to register the word mark ANNELLA DESIGNS for "Blouses; dresses; jackets; pants; rainwear; skirts; t-shirts; tunics." The application was filed on June 10, 2010 and was assigned Serial No. 85/060,075.
6. Applicant's application is based on use of the mark, with a claimed date of first use in commerce of April 23, 2010.
7. The mark applied for is substantially similar to Opposer's mark ZANELLA in sight, sound and meaning.
8. The mark subject to Applicant's application so resembles Opposer's previously used and registered mark ZANELLA as to be likely, when applied to the goods set forth in the application, to cause confusion, or to cause mistake, or to deceive within the meaning of Section 2(d) of the Trademark Act.

WHEREFORE, Opposer prays that this opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,

ZANELLA Ltd.



By: Stuart E. Benson
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202.261.1000
Attorneys for Opposer

Date: May 11, 2011